

REMARKS

Claims 1-25 are pending, of which claims 1-9 and 18 are withdrawn and claims 19-25 are new and supported, e.g., at paragraph 0041 of the filed application. Claim 10 has been rejected and Applicant has amended the claim.

The Examiner has maintained the rejection of Claims 10 and 17 as being anticipated by Brick. Claims 10-14, 16 and 17 remain rejected as being obvious in view of Cline and Brick. Claim 15 remains rejected as being obvious in view of Cline, Brick and Bocherens. The following discusses the specifics of the Office Action and the Amendments herein.

Amendments To Claim 10

The Examiner acknowledges that, with respect to Brick, "it is true that when seen from a top view the exposed part of the isolated segment is not concave."

In view of this acknowledgement, Claim 10 now recites that the exposed part of each of the segments has a circumference defined by a concave shape. The benefit of this shape, as disclosed in paragraph 0041 of the pending application, is that it provides a larger circumference than a convex shaped surface, such as a button shape or square shape as taught in Cline. This assures better connectivity to the surrounding non-conductive material and prolongs the life-time of the diverter, as the segments do not get ripped off by wear or from lightning current from a lightning strike.

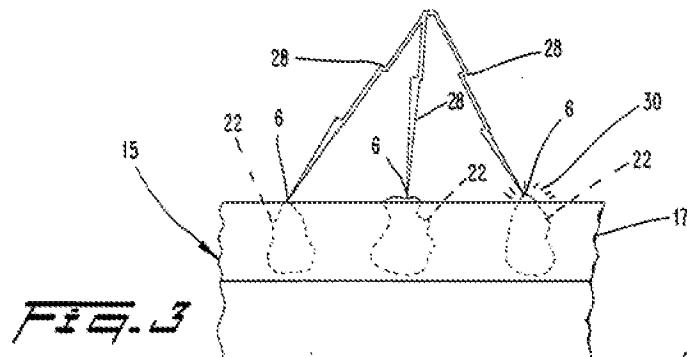
None of the cited references teaches conductive elements in a diverter, where each conductive element has an exposed part with a concave shape. Brick, in column 3, lines 60-70, teaches particles which can be "irregularly shaped" or "flat or spherical." Cline, in column 1,

lines 10-25, acknowledges that button shapes are well known and, in column 1, lines 50-55, asserts that "forming the buttons in a rectangular or square configuration" is preferable. As the cited prior art fails to consider the claimed diverter configuration, the claimed diverter is neither anticipated nor obvious.

Furthermore, Claim 10 recites that the segments each have the same shape. Brick teaches away from this by instead teaching irregularly shaped particles, as illustrated in Figure 3 from Brick, reproduced below. For this additional reason, Applicant respectfully asserts that the claims are patentable over the cited art.

Other Points Raised In The Office Action

1) The following image from Brick has been relied upon in the Office Action for illustrating that "the exposed parts of each of the isolated segments are concave when seen from a side view."



Applicant respectfully observes that the image from Brick and the above noted discussion of the shapes of the particles in Brick appear to refute the conclusion that the exposed part of each of Brick's particles has a concave shape.

2) It has been asserted in the Office Action that it would be obvious to combine Brick and Cline because: (i) one skilled in the art would combine Brick and Cline “to meet his objectives;” (ii) it applies “a known technique to a known device ready for improvement to yield predictable results;” (iii) the “particular known technique was recognized as part of the ordinary capabilities of one skilled in the art;” (iv) there was “a reasonable expectation of success;” (v) the choice of convex vs. concave shapes “is an engineering design choice based upon available parts and design requirements;” (vi) there was “good reason [for the skilled artisan] to pursue the known options;” and (vii) there was “anticipated success” so that the claimed invention “is the product not of innovation by of ordinary skill and common sense.”

Applicant respectfully asserts that there is no evidentiary support for any of these conclusions. Rather, each of these conclusions appears to be refuted by the expressed teachings from the references themselves, reproduced above.

Request for Interview

On June 9, 2010, Applicant attempted to schedule an Interview with the Examiner to discuss the above amendments and points. The Examiner indicated that interviews are granted after Applicant requests an Interview, in writing, with an Office Action response. Accordingly, should the above amendments and remarks not overcome the rejections, Applicant respectfully requests to conduct an Examiner Interview with the Examiner and the Examiner’s Primary Examiner present. A reasonable notice of the Examiner’s availability for the Interview is appreciated.

Conclusion

Based on the above amendments and discussion of the differences between the invention and the prior art, Applicant respectfully asserts that the pending claims are allowable over the art and respectfully requests a Notice of Allowance

Respectfully submitted,

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